

**REMARKS/ARGUMENTS**

This Application has been carefully reviewed in light of the Office Action mailed April 4, 2006. Claims 1-50 were filed in this Application of which claims 1-47 were elected without traverse in response to a Restriction Requirement in an Office Action dated December 14, 2005, thus claims 48-50 are withdrawn from consideration, claims 2, 9, and 16 are cancelled without prejudice, claims 1, 3-5, 7-8, 10-12, 14-15, 17-19, 21-22, 28, 34, and 40 are currently amended, and claims 51-53 are currently added. Thus, Claims 1, 3-8, 10-15, 17-47, and 51-53 are currently pending in this Application. The specification has been amended to remove an inadvertent "and". No new matter was added to the specification as a result of this amendment. In view of these amendments and the following remarks, Applicants respectfully submit that all of the claims of the above-identified application are in condition for allowance. Reconsideration of the claims is respectfully requested.

**I. 35 U.S.C. § 101, Non-statutory Subject Matter**

The examiner has rejected claims 1-7 and 22-27 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

In rejecting claims 1-7 and 22-27, the Examiner states that "the language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. § 101." (Office Action dated

April 4, 2006, p. 2). The Examiner further states that "[t]he method steps are mental steps which do not require the use of hardware to accomplish the steps." (Office Action dated April 4, 2006, p. 2).

However, the Examiner has relied on a test, the "mental Steps Test," that is inconsistent with 35 U.S.C. § 101 and is expressly disavowed by the courts. "[P]atent protection for a process disclosed as being a sequence or combination of steps, capable of performance without human intervention and directed to an industrial technology - a 'useful art' within the intendment of the Constitution - is not precluded by the mere fact that the process could alternatively be carried out by mental steps." *In re Prater*, 415 F.2d 1378, 159 USPQ 583 (C.C.P.A. 1968). Furthermore, in a more recent unpublished case, the Board of Patent Appeals and Interferences stated "that it does not follow that a method is drawn to nonstatutory subject matter simply because one or more of the method steps recited therein are 'mental' steps that cannot be performed by a machine." *Ex parte Nassim*, Appeal No. 91-2486 (B.P.A.I. 1991) (unpublished). The Board further state that "even if we were to agree with the examiner that a mental step was inherent in step (3) of independent claim 30, we cannot agree that the mere presence of any such step would render this claim unpatentable under §101." *Ibid*.

The claims of the present application generally are directed toward management of document collections for network publication as recited in the Technical Field of the invention section of the Patent Application as filed. This is also clear from a reading of the claims in light of the specification. The steps recited in the various claims are clearly not merely

directed to an abstract idea, but are directed to a novel and improved process of managing documents in a network environment - a very practical application producing concrete, useful, and tangible results. Therefore, the rejection of claims 1-7 and 22-27 under 35 U.S.C. §101 is improper and should be withdrawn.

## **II. 35 U.S.C. § 102, Anticipation**

The examiner has rejected claims 1-5, 7-12, and 21-47 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,976,053 ("Tripp"). This rejection is respectfully traversed.

Claims 2, 9, and 16 have been cancelled thus rendering the rejection of these claims moot.

Claim 1 has been amended to include the limitation of "copying the published document to at least one remote host associated with a channel identified by the meta data wherein the at least one channel corresponds to one or more remote hosts and wherein the names and configurations of the one or more remote hosts may be changed without affecting repository settings." This feature is not taught or suggested by Tripp. A channel as defined in the specification of the current application represents one or more remote host computers on which documents may be stored. The inclusion of one or more channel identifiers in the meta data allows the document contributor to concentrate on categorization instead of on the physical deployment of documents. This is especially valuable in clustered environments where multiple computers are fronted by a switch or "load balancer" to provide high availability to a document and fail over thereby allowing a requester to access a document from a second or third location if the first location is unavailable. Without the channel designation, a

user would be expected to know the physical machine names and directories to send a finished copy of the document.

It is clear that Tripp does not disclose or teach "copying the published document to at least one channel identified by the meta data wherein the at least one channel corresponds to one or more remote hosts and wherein the names and configurations of the one or more remote hosts may be changed without affecting repository settings" as recited in claim 1 as currently amended. Claim 1 as amended is similar to claim 2 which was previously rejected by the Examiner. In rejecting claim 2, the Examiner stated that "Tripp teaches wherein the metadata comprises channel information (i.e., categorization information) detailing which of a plurality of channels the document is to be copied to where the channel represents at least one of the remote storage devices (see Abstract and col. 10 lines 5-27)." However, neither the abstract nor col. 10, lines 5-27 of Tripp referenced by the Examiner disclose a channel or copying the document to one or more remote storage locations associated with the channel identified by the meta data of the document. The abstract of Tripp is as follows:

A search engine utilizes a bottom-up approach to index the content of a network with agent programs running on each host computer instead of relying on a top-down approach as used by conventional search engines. A central catalog of object references is compiled on the central site or sites from the meta data reported from each web site. One or more brochure files may also be created and stored on each web site to provide conceptual or non-key-word data about the site, such as target demographics and categorization information. This conceptual information is then utilized in constructing the central catalog so that more accurate search results

may be generated for search queries applied to the catalog.

Column 10 lines 5-26 of Tripp read as follows:

While indexing the web sites at the remote server **208**, the agent **204, 290** recognizes brochures **206** stored at web sites on the server, and provides index updates based on the contents of the brochures found. The brochure **206** is a small file that may contain conceptual and other general information that would be useful to improve the indexing of sites or parts of a single site on the remote server **208**. A brochure **206** may contain any information pertinent to the web site, including but not limited to keywords, phrases, categorizations of content, purpose of the site, and other information not generally stored in a web page. The brochure **206** is generated manually by individual web site administrators. The administrator fills out a form at the central server **202**, and receives an email containing the brochure **206** or downloads the brochure after submitting the form contents. Upon receiving the brochure **206**, the administrator stores it within the file structure of the web site on the remote server **208**. There may be multiple brochures **206** at the same web site, each describing specific portions of the site. Each brochure **206** may refer to a single web page or a group of web pages stored within a specific subdirectory at the web site. All information stored in each brochure **206** is applied to the pages referenced in the brochure.

It is clear that all Tripp discloses in these passages is creating and maintaining a file on a centralized resource that contains information related to keywords, phrase, categorization of content, and purpose of the site for various web pages. It is equally clear that the actual document is not stored here and, furthermore, that there is no decision as to where to store the document based on a channel identifier

contained within the meta data for the document. In fact, there is no indication that the document is copied and stored to another location at all.

Thus, claim 1, as currently amended, is not anticipated by Tripp and is, therefore, in condition for allowance. Similar amendments have been made to claims 8 and 15 thereby rendering these claims also novel over Tripp. Thus, claims 8 and 15 are also now in condition for allowance as well.

Consequently, it is respectfully urged that the rejection of claims 1, 8, and 15 have been overcome.

Since claims 3-7, 10-14, and 17-21 depend variously from claims 1, 8, and 15, the same distinctions between Tripp and the claimed invention in claims 1, 8, and 15 apply for these claims as well. Additionally, claims 3-7, 10-14, and 17-21 claim other additional combinations of features not suggested by the reference.

Consequently, it is respectfully urged that the rejection of claims 3-7, 10-14, and 17-21 have been overcome.

Claim 22 has been amended to include the following limitations:

determining at least one remote repository in which to store a copy of the document based on channel information contained in the meta data; and storing a copy of the document in the at least one remote repository and storing the standardized meta data in a document index hub.

These limitations are similar to those recited in claim 1 of the present application. Thus the same arguments in support of patentability presented for claim 1 apply for claim 22 as well. Claims 28 and 34 contain similar limitations to claim 22 and

thus are patentable for the same reasons provided earlier with respect to claim 1. Thus, claims 22, 28, and 34 are not anticipated by Tripp. Therefore, it is respectfully urged that the rejection of claims 22, 28, and 34 have been overcome.

Since claims 23-27, 29-33, and 35-39 depend variously from claims 22, 28, and 34, the same distinctions between Tripp and the claimed invention in claims 22, 28, and 34 apply for these claims as well. Additionally, claims 23-27, 29-33, and 35-39 claim other additional combinations of features not suggested by the reference. Consequently, it is respectfully urged that the rejection of claims 23-27, 29-33, and 35-39 have been overcome.

Claim 40 as currently amended includes the limitation of "a relay server which receives meta data and status information for a document from a document publishing data processor and stores a copy of the document on at least one remote host wherein the identity of the remote host is determined based on channel information provided in the meta data." Again, this limitation is similar to limitations recited in claim 1. Therefore, the arguments supplied above in support of patentability for claim 1 apply for claim 40 as well.

Since claims 41-47 depend from claim 40, the same distinctions between Tripp and the claimed invention in claim 40 apply for these claims as well. Additionally, claims 41-47 claim other additional combinations of features not suggested by the reference. Consequently, it is respectfully urged that the rejection of claims 41-47 have been overcome.

Therefore, the rejection of claims 1, 3-5, 7-8, 10-12, 14-15, 17-19, and 21-47 under 35 U.S.C. § 102 has been overcome.

**III. 35 U.S.C. § 103, Obviousness**

The examiner has rejected claims 6, 13, and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,976,053 ("Tripp") in view of U.S. Patent Application Publication No. 2002/0107700 (Cooney). This rejection is respectfully traversed.

In rejecting claims 6, 13, and 20, the Examiner states that "Cooney teaches prompting a user to input appropriate meta data to a meta-index (see paragraph [0045]). Since both references are from the same field of endeavor, the motivational purpose of a more efficient means for data searching and retrieval by storing information in a meta-index and enabling users to update the information as disclosed by Cooney would have been recognized in the pertinent art. Tripp." The Applicant does not acknowledge that the two references may properly be combined nor that even if combined that the combination would form the presently claimed invention as recited in claims 6, 13, and 20. However, any arguments related to such issues are rendered moot by the amendments made to claims 1, 8, and 15. Since claims 1, 8, and 15 contain features not taught or suggested by Tripp or Cooney, either individually or in combination, claims 6, 13, and 20, which depend from respective ones of claims 1, 8, and 15 are not rendered obvious by Tripp in view of Cooney.

Therefore, the rejection of claims 6, 13, and 20 under 35 U.S.C. § 103(a) has been overcome.

**IV. New Claims**

Claims 51-53 have been added. These claims include the feature of "responsive to a determination that the document



belongs to a group of related documents, updating the meta data for at least one of the related documents to indicate that the first published document is associated with the group of related documents." This feature is not taught or suggested by Tripp or Cooney, either individually or in combination. Furthermore, claims 51-53 depend from respective ones of claims 1, 8, and 15 which are patentable as discussed above. Therefore, since claims 51-53 depend from respective ones of claims 1, 8, and 15, claims 51-53 are not anticipated by Tripp nor rendered obvious by Tripp in view of Cooney and are thus in condition for allowance.

#### IV. CONCLUSION

It is respectfully urged that the subject application is patentable over Tripp and Cooney and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Applicants hereby authorize the Commissioner to charge any additional fees or refunds that may be required by this paper to Electronic Data Systems Corporation Deposit Account No. 05-0765. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to Electronic Data Systems Corporation Deposit Account No. 05-0765.

If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

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**Please direct all correspondence to the practitioner  
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Respectfully submitted,



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[July 5, 2006]